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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,091	05/30/2001	James E. Doyle	SUS01 P314	8506

277 7590 07/03/2003

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/870,091

Applicant(s)

DOYLE ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the third office action for U.S. Application 09/870,019 for a Motor Mount filed by James E. Doyle et al. on May 30, 2001.

#### ***Claim Objections***

Claim 19 is objected to because of the following informalities: Line 4 of the claim, the word - - to - - should be inserted between the words "coupled" and "said".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by Applicant in view of Baker, in further view of U.S. Patent 5,224,429 to Borgman et al, an in further view of U.S. patent Re. 28,816 to Lambrecht et al. The prior art disclosed by Applicant (Page 1, lines 11-21) discloses a motor assembly with a drive shaft extending therefrom for coupling to a drive screw (page 1, line 14-16). The drive screw extends into a telescopic leg assembly and couples to a drive nut for extending or retracting one leg with respect to another. There is a base on top of the inner leg and the motor housing is attached to the base by at least one threaded fastener.

The prior art disclosed by Applicant does not specifically disclose a pin extending from a motor mounting plate as the fastener for fastening the motor assembly to the base and it does not disclose a rubber grommet inside of an aperture in the base for

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receiving the pin. Baker discloses a means and method for reducing vibration and noise between an electric motor (1) and its application. The motor has an endshield (15) with four tapered (appears to be about 10 degrees) studs (25) extending therefrom parallel to a drive shaft (13), for securing the motor to the application. The drive shaft is connected to the motor assembly, extends through an aperture in the base, and a bearing between the base and the drive shaft. The application has a frame plate (23) that has four apertures (17) with four rubber grommets (29) for receiving the studs that extend from the motor and isolating vibration between the motor assembly and the application. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized rubber grommets in the apertures of the base taught by the prior art, as taught by Baker, for the purpose of receiving the studs or fasteners of a motor assembly and isolating vibration between the motor and the application.

The prior art disclosed by Applicant in view of Baker, does not disclose a thrust bearing and washer extending between the base and the drive screw. Borgman et al. discloses a telescopic leg assembly with a drive screw (53 and 62) extending through a base (66). The drive screw has a thrust bearing (56) between the base and drive screw that receives forces from the drive screw. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a thrust bearing between the drive shaft and base in place of the bearing taught by taught by the prior art disclosed by Applicant in view of Baker, as taught by Borgman et al., for the purpose of receiving forces.

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The prior art disclosed by Applicant in view of Baker, in further view of Borgman et al. does not specifically disclose pins as the fastener for coupling the motor and the base, instead disclosing studs. Lambrecht et al. discloses that studs and pins (217) are functional equivalents (see col. 7, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have substituted pins for the studs taught by the prior art disclosed by Applicant in view of Baker, in further view of Borgman et al., as taught by Lambrecht et al., because they are functional equivalents.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,435,048 B1 to Zimmerman

U.S. Patent 6,494,005 B2 to Zimmerman

U.S. Patent 5,259,326 to Borgman et al.

U.S. Patent 5,323,695 to Borgman et al.

The above patents all disclose various types of motor arrangements and telescopic stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this

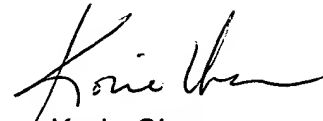
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application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.



Steven Marsh

June 27, 2003



Korie Chan

Primary Examiner